

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATD-AMERICAN CO.,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
KRUEGER INTERNATIONAL, INC.	:	NO. 12-00032
	:	
Defendant.	:	

ORDER¹

AND NOW, this 19th day of *April*, 2012, upon consideration of Defendant Krueger International, Inc.'s Motions to Dismiss Pursuant to Federal Rule of Procedure 12(b)(6), to Strike Pursuant to Rule 12(f), and for a More Definite Statement Under Rule 12(e) (Docket No. 11 of No. Civ.A.12-00032 & Docket No. 8 of No. Civ.A.12-00033), Plaintiff ATD-American Co.'s Responses in Opposition (Docket No. 14 of No. Civ.A.12-00032 & Docket No. 10 of No. Civ.A.12-00033); Defendant's Reply Briefs (Docket No. 15 of No. Civ.A.12-00032 & Docket No. 11 of No. Civ.A.12-00033), and Plaintiff's Sur-Reply Briefs (Docket No. 16 of No. Civ.A.12-00032 & Docket No. 12 of No. Civ.A.12-00033), it is hereby **ORDERED** as follows:

1. Defendant's Motion to Dismiss Plaintiff's request for injunctive relief and claims for damages related to the Covenant Not to Compete is **DENIED**;
2. Defendant's Motion to Dismiss Plaintiff's requests for attorneys' fees and costs of litigation is **GRANTED**;
3. Defendant's Motion to Dismiss Plaintiff's tort claims for fraudulent inducement, fraudulent misrepresentation, material non-disclosure and omission, and misappropriation of trade secrets is **GRANTED**;

¹ On April 3, 2012, upon stipulation by both parties, the Court consolidated Civil Action Number 12-00033 with the current matter.

4. Defendant's Motion to Dismiss Plaintiff's claims for punitive damages is **GRANTED**;
5. Defendant's Motion to Dismiss Plaintiff's claim for declaratory relief is **GRANTED**;
6. Defendant's Motion for a More Definite Statement is **DENIED** with respect to Defendant's request for Plaintiff to segregate the allegations into single paragraphs, and is **GRANTED** with respect to Defendant's request to clarify the definition of "Adirondack." Plaintiff is required to file an Amended Complaint within twenty (20) days of the date of this Order. The Amended Complaint shall consolidate all allegations and claims made in Civil Action Number 12-00032 and Civil Action Number 12-00033 and provide a clear definition of "Adirondack.";
7. Defendant's Motion to Strike all paragraphs relating to a breach of pricing provisions in the Supply Agreement is **DENIED**.

BY THE COURT:

S/ RONALD L. BUCKWALTER
RONALD L. BUCKWALTER, S.J.